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EXAMINER	
HOEL, MATTHEW D	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/092,072	ROTHSCHILD, WAYNE H.	
	Examiner	Art Unit	
	Matthew D. Hoel	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-15,19,21-35,39-46,48-51,62-64 and 66-86* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-15,19,21-35,39-46,48-51,62-64 and 66-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1 to 3, 8 to 15, 22 to 26, 31 to 35, 40 to 46, 51, 62 to 64, 66 to 69, 72 , 73, 75 to 80, 80, 81, 84, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harkham (WIPO publication WO 01/91866 A1, application PCT/US01/17285) in view of Karmarkar (U.S. patent 6,508,709 B1).

4. As to Claims 1, 10, 31, and 66: '866 discloses all of the limitations of Claim 1, but lacks specificity as to audiovisual content being sent to a player-controlled computing device remote from a land-based casino. '866 teaches a method of integrating casino gaming with non-casino interactive gaming at a central server system (Abst., Fig. 2, 5:10-26 describes betting on slot machines over server; generally described in 14:2-

15:23), comprising offering a plurality of wagering games on the central server system (player can select from plural slot machines, 14:12-15), the plurality of wagering games each including game software for generating a random event (virtual server-based slot machines, 14:18-19) establishing a communications link between the central server system and a player-operated gaming machine in a land-based casino (player selects slot machine at casino or virtual server to play, steps 602 & 604, Fig. 6, 14:16-18); conducting a first of the wagering games via the player-operated gaming machine (Fig. 6, 14:16-25), establishing, via a reconfigurable computer network, a communications link between the central server system and a player-operated computing device remote from any land-based casino (player selects slot machine at casino or virtual server to play, steps 602 & 604, Fig. 6, 14:16-18; communication over Internet, Fig. 2, 5:10-26); authorizing the computing device to access the first or a second of the wagering games offered on the central server system (player can select between first and second slot machines, 2:34-3:3); and conducting the second of the wagering games via the player-operated computing device by generating a random event for the second of the wagering games at the central server system (player can select from between physical slot machines or virtual slot machines, so a first game can be on a physical gaming machine at the casino and a second can be a virtual slot machine displayed at the player's local computing device, 14:12-13,17-22); and providing, at the gaming machine, an award for a winning outcome of the random event for the first of the wagering games (15:11-12). The audiovisual content for the first game played on the player-controlled gaming device at the land-based casino will necessarily be presented

at that gaming machine, since those devices are also available to be played locally by players present at the land-based casino (14:23-25). '709, however, discloses an A/V server-based system (Abst.) that can stream audiovisual content for either live or pre-recorded wagering games (Abst., step 618, Fig. 14A). The A/V stream is streamed to the player's computing device remote from the land-based casino based on the player's selection (626, 628, 630, Fig. 14A, 24:1-14). The A/V represents a random event at the live or pre-recorded game in the land-based casino (2:37-43, 7:28-29, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the audiovisual content of '709 to the gaming system of '866. '709 specifically says it can be used for the remote play of land-based slots (9:42-45) games of the sort outlined in '866. The acquisition of audiovisual content of game results for later playback ('709, 11:39-58) is analogous to the gathering of statistics for subsequent remote play of the slot machines using previously gathered statistics ('866, 14:13-15). The advantage of this combination is that it would make the remote play of the land-based casino slot machines on the player's player-controlled computing device much more realistic and interesting, since actual audiovisual content is delivered to the player instead of merely transmitting statistics summing up the game play as is disclosed in '866.

5. As to Claims 2, 12, and 32: '866 teaches that the game can be slots (14:1-15).

6. As to Claims 3, 13, and 33: '866 teaches that the network can be an intranet (rooms, restaurant & bar, game table server, hotel central server located within hotel,

Fig. 2, the other locations on this network do not pass through the Internet front-end server and so are a local-area network, 5:10-26).

7. As to Claim 8: '866 teaches a website operated by the central server system (Internet front-end server, Fig. 2, 5:10-26).

8. As to Claims 9, 23, and 43: The virtual slot machines that are server executed constitute a gaming machine free of a game engine as the gaming machine is virtual instead of an actual gaming device executing software ('866, 14:16-20).

9. As to Claim 11: '866 teaches accepting wagers for a first or second slots game (2:34-3:3). The random event is automatically generated for either a first game which may be played at a land-based casino gaming machine or a second game which may be played at a player's player-controlled computing device remote from a land-based casino (14:16-25, Fig. 6, winnings paid out, 15:13-14; instructions automatically sent, 15:7-8)

10. As to Claims 14 and 34: The player can access the central server system of '866 via the Internet (front-end Internet server, Fig. 2, 5:10-26).

11. As to Claims 15 and 35: '709 allows the player's remote computing device to access the central server system using encryption keys (steps 630 & 632, Figs. 14A,B, 24:7-19).

12. As to Claim 22: '866 offers a plurality of slots games from which the player can select (2:34-3:3); these are accessible via the Internet front-end server (Fig. 2, 5:10-26).

13. As to Claims 24, 25, 26, 44, 45, 46, and 67: '709 teaches the game being executed with the Java language (14:1-10). '709, 9:38-45, allows players to choose

from a plurality of games, thus comprising first and second games able to be executed in the Java language. '866 executes a basic version of the slot game as the central server executes the virtual slot machines (14:16-25).

14. As to Claims 40, 41, and 68: '866 teaches the central slots server executing game software for a second game being a slots game (2:34-3:3, Fig. 6, 14:16-20). '709 teaches the central server streaming the A/V content for any of a number of games, including a second game to the player's player-controlled computing device remote from a land-based casino (626, 628, 630, Fig. 14A, 24:1-14). The remote player terminal 46 of '709 is described in Fig. 1C and 7:57-8:20 and has memory (8:10, 8 MB). The streamed A/V content is presented to the player at '709 (Fig. 14B, step 638), so the A/V will be in either local main or local video memory for at least as long as it takes to present it to the player.

15. As to Claim 42: The front-end Internet server of '866 posts the games executed by the server (Fig. 2, 5:10-26).

16. As to Claim 51: The plural games selectable by the player in '866 are all associated with the casino (2:34-3:3).

17. As to Claims 62 to 64: The network of '866 necessarily supports TCP/IP networking as it can operate over the Internet (5:10-26, Internet front-end server, Fig. 2).

18. As to Claim 69: '709 teaches the game being executed with the Java language (14:1-10). '709, 9:38-45, allows players to choose from a plurality of games, thus comprising first and second games able to be executed in the Java language. This will

necessarily be done before the game is played. '866 teaches the central slots server executing game software for a second game being a slots game (2:34-3:3, Fig. 6, 14:16-20). '709 teaches the central server streaming the A/V content for any of a number of games, including a second game to the player's player-controlled computing device remote from a land-based casino (626, 628, 630, Fig. 14A, 24:1-14). The remote player terminal 46 of '709 is described in Fig. 1C and 7:57-8:20 and has memory (8:10, 8 MB). The streamed A/V content is presented to the player at '709 (Fig. 14B, step 638), so the A/V will be in either local main or local video memory for at least as long as it takes to present it to the player.

19. As to Claim 72: The virtual slot machines that are server executed constitute a gaming machine free of a game engine as the gaming machine is virtual instead of an actual gaming device executing software ('866, 14:16-20). The player can select from any of first, second, or third slot games, any of which can be played at either a land-based casino gaming machine or on the central server system ('866, 2:34-3:3, 14:16-25).

20. As to Claim 73: '866 executes a basic version of the slot game as the central server executes the virtual slot machines (14:16-25).

21. As to Claims 75 and 76: '866 has multiple data fields of identification in the player's record (name, address, date of birth, social security number, etc., 7:23-34).

22. As to Claim 77: '866 keeps track of player tracking information (for example, game play is terminated when player hits credit or time of play limit, 7:10-20).

23. As to Claim 78: '866 teaches a player rewards program that awards casino credit to the player (19:12-21).

24. As to Claims 80, 81, 84, and 86: '866 allows the player to wager on first or second slot games (2:34-3:3) and deducts money from the player's account (6:30-35).

25. Claims 6, 7, 19, 21, 27 to 30, 39, 48 to 50, 70, 71, 74, 79, 82, 83, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over '866 and '709 in view of Larose (U.S. pre-grant publication 2002/0087876 A1).

26. As to Claims 6, 27 to 29, 48, 49, 70, 71, 74, 79, 82, and 85: The combination of '866 and '709 discloses all of the limitations of these claims, but lack specificity as to downloading enhanced audiovisual content that could be executed on either the casino-based gaming machine or the player's player-controlled computing device remote from the land-based casino. '866 teaches first and second slot games the player can choose from (2:34-3:3; player can play either casino-based gaming devices or remote player-controlled computing devices, 14:15-26). '876, however, teaches a basic and an advanced version. '876 teaches at least one of the wagering games including a basic version and an enhanced version having upgraded audiovisual content relative to the basic version, and configuring the gaming machine, the computing device, or the central server system to conduct the basic version or the enhanced version as a function of whether the game software is executed locally at the gaming machine or at the computing device, or executed remotely at the central server system, or executed locally and remotely (110, Fig. 3; basic version being a game demo version, Para. 53;

web-based interfaces, Page 2, Lines 10 to 11; upgraded audiovisual content being versions two and three graphics files, 305 and 306, Fig. 3; downloads the upgraded audiovisual content from the central server system to the gaming machine and stores the audiovisual content locally on the computing device or gaming machine, Fig. 2, Para. 84, the local gaming device is thus configured to execute the enhanced game locally). '876 teaches downloading software from a central server to a computing device and executing the software on the computing device (Abst., Figs. 2 and 3, Para. 33 and 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the executable download of '876 to the system of '866 and '709. The upgraded audio visual content could be applied to any of the server, land-based casino gaming machine, or player-controlled computing device remote from the land-based casino of '866 as they are all PC-based devices as evidenced by "The Silicon Gaming Odyssey Slot Machine," by Levinthal, et al. (entered as NPL 09-11-2006, 1997 IEEE, 1063-6390/97). "Silicon Gaming" throughout, and particularly on Page 297 outlines a slot machine with typical PC hardware such as a motherboard, PCI video board, disk drive, power supply, SCSI controller, video codec, Pentium processor, etc. The system of '876 can be used for distributing demo versions of game (Para. 53). In '866, client gaming machine has software that controls a USB card reader at the client gaming machine to verify the user's identity for security purposes (Page 2, Lines 1 to 15); this could be used in conjunction with the encryption of '876 (Para. 46 and 47). '866 also is also able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by

preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The executable file download could or '876 could be downloaded and executed in the memory of '866, reducing the likelihood of copying or tampering, and eliminating the need for time-consuming hard-drive installations. The combination of '866 and '876 would download and execute the audiovisual content and game software at the client gaming device instead of at the central server. The enhanced graphics for the enhanced game of '876 would ideally be used in conjunction with the central slot statistics game of '866 described on Pages 14 and 15. Such enhanced graphics would be used to provide a slot machine-like user interface to the player to make the game play more realistic instead of a mere display of statistics and win/loss results. The advantage of this combination would be to reduce computing load on the central server by executing the game software on the client gaming device, while still maintaining the system's security.

27. As to Claims 7, 19, and 39: '866 teaches first and second slot games (2:34-3:3). '866 also is also able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The executable file download could of '876 could be downloaded and executed in the memory of '866, reducing the likelihood of copying or tampering, and eliminating the need for time-consuming hard-drive installations. The combination of '866 and '876 as outlined in the rejection of

Claim 6 would download and execute the audiovisual content and game software at the client gaming device instead of at the central server.

28. As to Claim 21: '866 teaches first and second slot games (2:34-3:3). '866 also is also able to execute in memory software from the central server without installing it into the hard drive (Page 13, Lines 27 to 34). This enhances security by preventing copying, allows for easy software updates, and allows the client gaming device to execute large programs (Page 13, Line 35). The executable file download could of '876 could be downloaded and executed in the memory of '866, reducing the likelihood of copying or tampering, and eliminating the need for time-consuming hard-drive installations. The combination of '866 and '876 as outlined in the rejection of Claim 6 would download and execute the audiovisual content and game software at the client gaming device instead of at the central server. '866 also teaches executing some of the gaming software at the central server (14:16-19).

29. As to Claims 30 and 50: '709 teaches the game being executed with the Java language (14:1-10). '709, 9:38-45, allows players to choose from a plurality of games, thus comprising first and second games able to be executed in the Java language.

30. As to Claim 83: '866 allows the player to wager on first or second slot games (2:34-3:3) and deducts money from the player's account (6:30-35).

Response to Arguments

31. Applicant's arguments filed 01-12-2009 have been fully considered but they are not persuasive. '866 teaches a method of integrating casino gaming with non-casino

interactive gaming at a central server system (Abst., Fig. 2, 5:10-26 describes betting on slot machines over server; generally described in 14:2-15:23), comprising offering a plurality of wagering games on the central server system (player can select from plural slot machines, 14:12-15), the plurality of wagering games each including game software for generating a random event (virtual server-based slot machines, 14:18-19) establishing a communications link between the central server system and a player-operated gaming machine in a land-based casino (player selects slot machine at casino or virtual server to play, steps 602 & 604, Fig. 6, 14:16-18), conducting a first of the wagering games via the player-operated gaming machine (Fig. 6, 14:16-25), establishing, via a reconfigurable computer network, a communications link between the central server system and a player-operated computing device remote from any land-based casino (player selects slot machine at casino or virtual server to play, steps 602 & 604, Fig. 6, 14:16-18; communication over Internet, Fig. 2, 5:10-26), authorizing the computing device to access the first or a second of the wagering games offered on the central server system (player can select between first and second slot machines, 2:34-3:3); and conducting the second of the wagering games via the player-operated computing device by generating a random event for the second of the wagering games at the central server system (player can select from between physical slot machines or virtual slot machines, so a first game can be on a physical gaming machine at the casino and a second can be a virtual slot machine displayed at the player's local computing device, 14:12-13,17-22); and providing, at the gaming machine, an award for a winning outcome of the random event for the first of the wagering games (15:11-12).

The audiovisual content for the first game played on the player-controlled gaming device at the land-based casino will necessarily be presented at that gaming machine, since those devices are also available to be played locally by players present at the land-based casino (14:23-25). The main difference between ‘709 and ‘866 is that ‘709 delivers A/V content from slot machine or live table gaming sessions that can be live or prerecorded; '866 delivers statistics from slot machine sessions that can be live or prerecorded. The two references are analogous art for the following reasons. The examiner is no longer relying on the Cannon '378 reference. '709 discloses an A/V server-based system (Abst.) that can stream audiovisual content for either live or pre-recorded wagering games (Abst., step 618, Fig. 14A). The A/V stream is streamed to the player’s computing device remote from the land-based casino based on the player's selection (626, 628, 630, Fig. 14A, 24:1-14). The A/V represents a random event at the live or pre-recorded game in the land-based casino (2:37-43, 7:28-29). ‘709 specifically says it can be used for the remote play of land-based slots (9:42-45) games of the sort outlined in ‘866. The acquisition of audiovisual content of game results for later playback (‘709, 11:39-58) is analogous to the gathering of statistics for subsequent remote play of the slot machines using previously gathered statistics ('866, 14:13-15). The advantage of this combination is that it would make the remote play of the land-based casino slot machines on the player's player-controlled computing device much more realistic and interesting, since actual audiovisual content is delivered to the player instead of merely transmitting statistics summing up the game play as is disclosed in

'866. The examiner respectfully disagrees with the applicant as to the claims' condition for allowance.

Citation of Pertinent Prior Art

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Siekierski, et al. in U.S. patent 4,527,798 teach wagering on audiovisual content from prerecorded races. U.S. patent publications 5,397,133; 6,560,639; 6,860,810; 6,955,604; 7,083,520; 2002/0147047; 2003/0195043; 2002/0107072; 2002/0032049; and 7,476,153 teach aspects of remote gaming. U.S. patent 6,434,398 teaches spectators at a live event. U.S. patent 6,149,522 teaches techniques for changing audiovisual content.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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